

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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HOUSE BILL 1008  
Committee Substitute Favorable 5/7/93  
Third Edition Engrossed 5/12/93  
Senate Education/Higher Education Committee Substitute Adopted 7/7/93

Short Title: Up Penalties/Weapons in School.

(Public)

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Sponsors:

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Referred to: Judiciary II.

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April 19, 1993

A BILL TO BE ENTITLED

1  
2 AN ACT TO MAKE IT A CLASS I FELONY TO POSSESS OR CARRY A  
3 FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY OR  
4 KNOWINGLY TO ALLOW A MINOR TO POSSESS OR CARRY A FIREARM  
5 OR EXPLOSIVE ON EDUCATIONAL PROPERTY, TO MAKE IT A  
6 MISDEMEANOR KNOWINGLY TO ALLOW A MINOR TO TAKE OR  
7 POSSESS OTHER TYPES OF WEAPONS ON EDUCATIONAL PROPERTY, TO  
8 DIRECT THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY  
9 TO STUDY THE STATE'S CRIMINAL STATUTES TO DETERMINE  
10 WHETHER A PARENT OR OTHER INDIVIDUAL ENTRUSTED WITH THE  
11 CARE OR SUPERVISION OF A MINOR MAY BE PROSECUTED UNDER  
12 EXISTING LAWS FOR FAILURE TO SAFELY STORE A WEAPON, AND TO  
13 DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A MODEL  
14 CURRICULUM AND GUIDE FOR WEAPON SAFETY.

15       Whereas, Governor James B. Hunt, Jr. appointed the Task Force on School  
16 Violence to address the problems of safety in the public schools of North Carolina; and

17       Whereas, the Task Force was cochaired by the Attorney General, the  
18 Superintendent of Public Instruction, and the Secretary of Crime Control and Public  
19 Safety; and

20       Whereas, the Task Force held public meetings throughout the State and  
21 surveyed all the public schools in the State; and

1           Whereas, the hearings and the survey results reveal that there has been an  
2 increase in violent behavior in the schools, including incidents involving firearms and  
3 weapons; and

4           Whereas, the Governor brought the Task Force report to the attention of the  
5 General Assembly; and

6           Whereas, the Task Force recommended that the General Assembly should  
7 provide for weapon-free schools by strengthening laws concerning firearms and other  
8 weapons on school property; and

9           Whereas, the General Assembly recognizes the need to enforce safe schools  
10 so that students may learn and achieve; and

11           Whereas, the General Assembly believes that it is the responsibility of parents  
12 to teach their children behavior that will promote safe schools; Now, therefore,  
13 The General Assembly of North Carolina enacts:

14           Section 1. G.S. 14-269.2 reads as rewritten:

15 **"§ 14-269.2. Weapons on campus or other educational property.**

16           It shall be unlawful for any person to possess, or carry, whether openly or concealed,  
17 any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as  
18 defined in G.S. 14-284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switch-  
19 blade knife, blackjack, metallic knuckles or any other weapon of like kind, not used  
20 solely for instructional or school sanctioned ceremonial purposes, in any public or  
21 private school building or bus, on any public or private school campus, grounds,  
22 recreation area, athletic field, or other property owned, used or operated by any board of  
23 education, school, college, or university board of trustees or directors for the  
24 administration of any public or private educational institution. For the purpose of this  
25 section a self-opening or switch-blade knife is defined as a knife containing a blade or  
26 blades which open automatically by the release of a spring or a similar contrivance, and  
27 the above phrase "weapon of like kind" includes razors and razor blades (except solely  
28 for personal shaving) and any sharp pointed or edged instrument except unaltered nail  
29 files and clips and tools used solely for preparation of food, instruction and  
30 maintenance. This section shall not apply to the following persons: Officers and  
31 enlisted personnel of the armed forces of the United States when in discharge of their  
32 official duties as such and acting under orders requiring them to carry arms or weapons,  
33 civil officers of the United States while in the discharge of their official duties, officers  
34 and soldiers of the militia and the national guard when called into actual service,  
35 officers of the State, or of any county, city, or town, charged with the execution of the  
36 laws of the State, when acting in the discharge of their official duties, any pupils who  
37 are members of the Reserve Officer Training Corps and who are required to carry arms  
38 or weapons in the discharge of their official class duties, and any private police  
39 employed by the administration or board of trustees of any public or private institution  
40 of higher education when acting in the discharge of their duties.

41           Any person violating the provisions of this section shall be guilty of a misdemeanor  
42 and upon conviction shall be punished in the discretion of the court.

43           (a) The following definitions apply to this section:

1           (1) Educational property. – Any public or private school building or bus,  
2 public or private school campus, grounds, recreational area, athletic  
3 field, or other property owned, used, or operated by any board of  
4 education, school, college, or university board of trustees, or directors  
5 for the administration of any public or private educational institution.

6           (2) Student. – A person enrolled in a public or private school, college or  
7 university, or a person who has been suspended or expelled within the  
8 last five years from a public or private school, college or university,  
9 whether the person is an adult or a minor.

10          (3) Switchblade knife. – A knife containing a blade or blades which open  
11 automatically by the release of a spring or a similar contrivance.

12          (4) Weapon. – Any device enumerated in subsection (b) or (d) of this  
13 section.

14          (b) It shall be a Class I felony for any person to possess or carry, whether openly  
15 or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite  
16 cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on  
17 educational property.

18          (c) It shall be a Class I felony for any person knowingly to allow a minor who is  
19 less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle,  
20 pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or  
21 powerful explosive as defined in G.S. 14-284.1, on educational property.

22          (d) It shall be a misdemeanor for any person to possess or carry, whether openly  
23 or concealed, any bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife,  
24 blackjack, metallic knuckles, razors and razor blades (except solely for personal  
25 shaving), and any sharp-pointed or edged instrument except instructional supplies,  
26 unaltered nail files and clips and tools used solely for preparation of food, instruction,  
27 and maintenance, on educational property.

28          (e) It shall be a misdemeanor for any person knowingly to allow a minor who is  
29 less than 18 years old to possess or carry, whether openly or concealed, any bowie  
30 knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic  
31 knuckles, razors and razor blades (except solely for personal shaving), and any sharp-  
32 pointed or edged instrument except instructional supplies, unaltered nail files and clips  
33 and tools used solely for preparation of food, instruction, and maintenance, on  
34 educational property.

35          (f) This section shall not apply to:

36           (1) A weapon used solely for educational or school-sanctioned ceremonial  
37 purposes, or used in a school-approved program conducted under the  
38 supervision of an adult whose supervision has been approved by the  
39 school authority;

40           (2) Armed forces personnel, officers and soldiers of the militia and  
41 national guard, law enforcement personnel, and any private police  
42 employed by an education institution, when acting in the discharge of  
43 their official duties; or

44           (3) A person who:

- 1                   a.     Is not a student attending school on the educational property;  
2                   b.     Is on the educational property for the purpose of transporting a  
3                         student attending school on the educational property or an  
4                         employee employed on the educational property; and  
5                   c.     Does not brandish the weapon.

6           (4)   Home schools as defined in G.S. 115C-563(a)."

7           Sec. 2. The Department of Crime Control and Public Safety shall study the  
8 existing State criminal statutes and consider how the current statutory scheme relates to  
9 weapons, the safekeeping of weapons, and the accountability of a parent or other  
10 individual who irresponsibly keeps or stores weapons so that they are accessible to  
11 minors in willful and wanton disregard for the safety and rights of others. The  
12 Department of Crime Control and Public Safety shall focus particularly on G.S. 14-  
13 318.2 which makes child abuse a misdemeanor and provides in part that any parent of a  
14 child less than 16 years of age, or any other person providing care to or supervision of  
15 the child who creates or allows to be created a substantial risk of physical injury, upon  
16 or to the child by other than accidental means is guilty of the misdemeanor of child  
17 abuse. The Department of Crime Control and Public Safety shall consider whether a  
18 parent or other individual entrusted with the care or supervision of a minor may be  
19 prosecuted under G.S. 14-318.2, other statutes, or common-law offenses for a criminally  
20 negligent act of failure to safely store a weapon. The Department of Crime Control and  
21 Public Safety may also consider any other issues relevant to this study. The Department  
22 of Crime Control and Public Safety shall report its findings and recommended  
23 legislation to the Joint Legislative Commission on Governmental Operations by May 1,  
24 1994.

25           Sec. 3. The State Board of Education in consultation with the Wildlife  
26 Resources Commission shall develop a model curriculum and guide for firearm and  
27 weapon safety and storage which may be used by parents and classroom teachers. The  
28 hunter safety course developed by the Wildlife Resources Commission in accordance  
29 with G.S. 113-270.1A shall be considered in developing the model curriculum and  
30 guide. The State Board of Education shall report to the Joint Legislative Education  
31 Oversight Committee regarding the model curriculum and guide by February 15, 1994.

32           Sec. 4. Section 1 of this act becomes effective December 1, 1993, and applies  
33 to offenses committed on or after that date. The remainder of this act is effective upon  
34 ratification.